

Robert T. Haslam (SBN 71134)  
rhaslam@cov.com  
Amy K. Van Zant (SBN 197426)  
avanzant@cov.com  
Hyun S. Byun (SBN 281753)  
hbyun@cov.com  
Tess A. Hamilton (SBN 279738)  
tahamilton@cov.com  
Samuel J. Edwards (SBN 289305)  
sedwards@cov.com  
COVINGTON & BURLING LLP  
333 Twin Dolphin Drive, Suite 700  
Redwood Shores, CA 94065  
Tel.: (650) 632-4700  
Fax: (650) 632-4800

Attorneys for Plaintiff/Counter-defendant  
ARIBA, INC.

Kelly C. Hunsaker (SBN 168307)  
hunsaker@fr.com  
Enrique D. Duarte (SBN 247523)  
duarte@fr.com  
FISH & RICHARDSON P.C.  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

Attorneys for Defendant/Counterclaimant  
COUPA SOFTWARE INC.

Robert D. Fram (SBN 126750)  
rfram@cov.com  
Christine Saunders Haskett (SBN 188053)  
chaskett@cov.com  
Matthew D. Kellogg (SBN 280541)  
mkellogg@cov.com  
COVINGTON & BURLING LLP  
One Front Street  
San Francisco, CA 94111  
Tel.: (415) 591-6000  
Fax: (415) 591-6091

Bryan A. Blumenkopf (SBN 286266)\_  
bkb@fr.com  
FISH & RICHARDSON P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ARIBA, INC.,  
a Delaware corporation,  
  
Plaintiff/Counter-defendant,  
  
v.  
  
COUPA SOFTWARE INC.,  
a Delaware corporation,  
  
Defendant/Counterclaimant.

Case No.: 3:12-cv-01484-WHO

**JOINT STIPULATION AND  
ORDER TO PERMIT THE  
PARTIES TO SERVE AMENDED  
CONTENTIONS**

1 Plaintiff Ariba, Inc. (“Ariba”) and Coupa, Inc. (“Coupa”), by and through their counsel  
2 of record, hereby jointly submit the following stipulation and proposed order granting leave for  
3 Ariba to amend the Infringement Contentions served in September 2012 and for Coupa to  
4 amend the Invalidity Contentions served in November 2012.

5 WHEREAS Ariba timely served its Disclosure of Asserted Claims and Infringement  
6 Contentions pursuant to Patent Local Rule 3-1 and 3-2 in September 2012;

7 WHEREAS the Court’s October 24, 2013 Claim Construction Order contains some  
8 constructions that are different than those proposed by Ariba;

9 WHEREAS Ariba believes that good cause exists to amend its Infringement  
10 Contentions served in September 2012 to address claim construction issues raised by any  
11 constructions not proposed by Ariba, to include theories based on the new Coupa 10 product  
12 and to address new discovery of nonpublic information about previously accused versions of the  
13 Coupa software which was not discovered, despite diligent efforts, before the service of the  
14 Infringement Contentions..

15 WHEREAS Coupa timely served its Disclosures of Invalidity Contentions pursuant to  
16 Patent Local Rule 3-3 and 3-4 in November 2012;

17 WHEREAS Coupa believes that good cause exists to amend their Invalidity Contentions  
18 served in November 2012 to conform to Ariba’s proposed Amended Infringement Contentions  
19 described above, to address claim construction issues raised by any constructions not proposed  
20 by Coupa and to identify prior art references that were not previously identified despite a  
21 diligent search.

22 WHEREAS Ariba and Coupa desire to conserve time and resources expended in this  
23 matter without contested motion practice on the issues described herein, but reserve the right to  
24 move to strike amended contentions not based on good cause or that result in undue prejudice to  
25 the opposing party, and agree that the burden of showing good cause to amend and lack of  
26 undue prejudice will not shift by virtue of filing a motion to strike instead of opposing a motion  
27 for leave to amend;

28 NOW THEREFORE, Ariba and Coupa agree and stipulate as follows:

1           1.       Upon entry of the requested Order and consistent with the Joint Proposed Case  
2 Schedule, Ariba shall serve its proposed Amended Infringement Contentions by December 23,  
3 2013; and

4           2.       Upon entry of the requested Order and consistent with the Joint Proposed Case  
5 Schedule, Coupa shall serve its proposed Amended Invalidity Contentions by January 8, 2014.

6                               Respectfully submitted,

7 Dated: December 18, 2013

COVINGTON & BURLING LLP

8  
9 By:           /s/ Amy K. Van Zant          

Amy K. Van Zant

Attorneys for Plaintiff/Counter-defendant

ARIBA, INC.

10  
11  
12 Dated: December 18, 2013

FISH & RICHARDSON P.C.

13  
14 By:           /s/ Enrique Duarte          

Enrique Duarte

Attorneys for Defendant/Counterclaimant

COUPA SOFTWARE INC.

15  
16  
17  
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 DATE: December 19, 2013

20 By:                     

The Honorable William H. Orrick

United States District Court Judge